

Rule 54.1. Attorney's Fees and Expenses

(a) Time for Filing. The court may award attorney's fees and expenses where authorized by law. Applications must be filed within 30 days after the date of entry by the court of a final judgment.

(b) Content of Application. Each application for attorney's fees and expenses as provided for in subdivision (a) shall contain a citation to the authority which authorizes an award, and shall indicate the manner in which the prerequisites for an award have been fulfilled. In addition, each application shall contain a statement, under oath, which specifies:

- (1) the nature of each service rendered;
- (2) the amount of time expended in rendering each type of service; and
- (3) the customary charge for each type of service rendered.

(c) Response and Reply. The responding party shall have 30 days from the date of service of the application to file a response. No other papers or briefs shall be allowed, except as the court, upon its own initiative, shall direct.

PRACTICE COMMENT: An application for attorney's fees and expenses shall be substantially in the form set forth in Form 15 of the Appendix of Forms.

PRACTICE COMMENT: Pursuant to the renumbering of the Rules, the former Rule 68 now will be identified as Rule 54.1. This Rule sets forth the procedures to be followed by a party seeking attorney's fees and other expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

(Added Sept. 30, 2003, eff. Jan. 1, 2004.)